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PERMISSIVE USE OF COUNTY AND CITY

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2001 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Chris Buttars

This act modifies county and city provisions relating to the appropriation of county or city funds. The act authorizes counties and cities to appropriate money to private, nonprofit entities that provide services that benefit county or city residents. The act makes technical changes.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

10-8-2, as last amended by Chapter 134, Laws of Utah 1993

17-50-303, as renumbered and amended by Chapter 133, Laws of Utah 2000

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-8-2** is amended to read:

10-8-2. Appropriations -- Acquisition and disposal of property.

(1) A [~~board of commissioners or~~] city [~~council~~] legislative body may:

(a) appropriate money for corporate purposes only;

(b) provide for payment of debts and expenses of the corporation;

(c) purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the city, whether the property is within or without the city's corporate boundaries; and

(d) improve, protect, and do any other thing in relation to this property that an individual could do.

(2) It is considered a corporate purpose:

(a) to appropriate money for any purpose that, in the judgment of the [~~board of commissioners or~~] city [~~council~~] legislative body, provides for the safety, health, prosperity, moral

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well-being, peace, order, comfort, or convenience of the inhabitants of the city[-]; or

(b) to appropriate money to a private, nonprofit entity that provides a service that benefits city residents.

Section 2. Section **17-50-303** is amended to read:

17-50-303. County may not give or lend credit -- County may borrow in anticipation of revenues -- Purposes.

(1) (a) A county may not give or lend its credit to or in aid of any person or corporation, or, except as provided in Subsection (1)(b), appropriate money in aid of any private enterprise.

(b) Notwithstanding Subsection (1)(a), a county may appropriate money to a private, nonprofit entity that provides a service that benefits county residents.

(2) A county may borrow money in anticipation of the collection of taxes and other county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Utah Municipal Bond Act.

(3) A county may incur indebtedness under Subsection (2) for any purpose for which funds of the county may be expended.

Legislative Review Note

as of 11-29-00 12:48 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel